

MINUTES
KENTUCKY BOARD OF PHARMACY
Frankfort, Kentucky
December 12, 2001

CALL TO ORDER: A regular meeting of the Kentucky Board of Pharmacy was held at the Board office, 23 Millcreek Park, in Frankfort, Kentucky. President Conyers called the meeting to order at 9:05 a.m.

Members present: William A. Conyers III, Melinda C. Joyce, Becky M. Cooper, Thomas S. Foster, Georgina Kindall-Jones, and Joe Carr. Staff present: Michael A. Moné, Executive Director; Jeffrey L. Osman, Pharmacy Inspections and Investigations Coordinator; Katie Busroe, Maxine Snively and Philip C. Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde-Mooney, Assistant Attorney General and Board Counsel and Stacy Rankin, Executive Secretary. Melody Curtis, Court Reporter, recorded the meeting.

APPEARANCES: **Crystal Adams.** Ms. Adams appeared to petition for reinstatement of her pharmacist's license. Ms. Adams was placed under oath by Ms. Curtis, Court Reporter. Ms. Adams gave a short overview of the cause leading to the loss of her pharmacist's license. Mr. Conyers and Mr. Moné reviewed the recommendation of the Impaired Pharmacist Committee for reinstatement of license. Ms. Jones moved to reinstate with an Order of Reinstatement for impairment with stipulations as follows: probation for five years; enter into a HELP contract; attendance at either the University of Utah School on Alcoholism and other Drug Dependencies or the Southeastern PRN Meeting within one year; attend AA/NA meetings no less than 3 times per week; engage in the services of CDC/CDAC; no service as pharmacist-in-charge; no power-of-attorney; employment for no more than 40 hours per week or 80 hours in a two-week period; random observed urine/blood screens twice monthly with others as requested by the Board; notification to all employers; notification to the Board of change in employment within five days; Board or Board President's approval of all employers; submission of a signed release for medical records; no dispensing of prescriptions to self or family members; utilize only one pharmacy for prescriptions; notification to the Board of all legend and nonlegend drugs taken within 10 days; semi-monthly self-assessments of progress of professional and treatment developments; quarterly reports by counselors; semi-annual inspections and quarterly self audits at all locations or employment; Order on Reinstatement to be drafted and forwarded to Ms. Adams for her signature and upon its return to be signed by President Foster. The motion was seconded by Ms. Cooper and passed unanimously.

Dr. Leach, Sarah Wilding and Dr. Earlinger-Cabinet for Health Service. Dr. Leach, Ms. Wilding and Dr. Earlinger gave a brief presentation of proposed recommendations for the dispensing of medications by the local health department. After discussion it was recommended that the Cabinet for Health Services revise the proposal and resubmit to the Board.

BOARD REPORTS: **President.** President Conyers gave a brief statement about the impaired pharmacist committee meeting held December 11, 2001. He also suggested that during case review meetings, names of parties should be disclosed to facilitate discussion. After discussion Ms. Jones moved to accepted Mr. Conyers recommendation. The motion was seconded by Mr. Carr and passed unanimously.

Melinda Joyce. Dr. Joyce gave a brief overview of the Med Errors Task Force Meeting held on December 11, 2001. Dr. Joyce announced that March 2002 would be the target date to mail out the Med Errors Survey. Dr. Joyce commended the University of Kentucky students on the Med Errors Committee for their input and support.

Dr. Foster. Dr. Foster gave a brief overview of the NABP meeting he attended in Monterey, California in November.

Executive Director. Mr. Moné updated members on the Board examination scheduled for January 26, 2002. He also introduced the new board member - Tim Armstrong and Patricia Thornbury.

CURRENT/PENDING CASES: Mr. Carr moved for acceptance and entry of the proposed Agreed Orders as written. Dr. Foster seconded and the motion passed unanimously.

Case No. 99-0185; Case No. 99-0189; Case No. 99-0199; Case No. 01-008; Case No. 00-0119; Case No. 00-0134A & B; Case No. 01-0038; Case No. 01-0057; Case No. 01-0062A&B; Case No. 01-0064; Case No. 01-0065; Case No. 01-0066; Case No. 01-0076A&B; Case No. 01-0077; Case No. 01-0078; Case No. 01-0081; Case No. 01-0082A& B; Case No. 01-0087; Case No. 01-0088; Case 01-0089; Case No. 01-0091; Case 01-0092; Case 01-0104A & B; Case 01-0106B; and Case 01-0120.

CASE REVIEW COMMITTEE

Case No. 01-0098A. Permit-holder allegedly employed a pharmacist that engaged in unprofessional conduct by failing to conduct a Drug Utilization Review (DUR). CRC recommendation for Complaint - Case Dismissed.

Case No. 01-0098B. Pharmacist allegedly engaged in unprofessional conduct by failing to conduct a Drug Utilization Review (DUR). CRC recommendation for Complaint - Case Dismissed.

Case No. 01-0103. Pharmacist allegedly engaged in unprofessional conduct by committing a dispensing error in that the quantity ordered by the prescriber was not filled completely. CRC recommendation for Complaint - Case Closed.

Case No. 01-0113. Pharmacist allegedly violated previous Agreed Order 01-0076. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0124A. Permit-holder allegedly stocked outdated prescription drug. CRC recommendation for Complaint issuance of a Letter of Reprimand. Ms. Jones seconded and the motion passed unanimously.

Case No. 01-0124B. Pharmacist allegedly dispensed an outdated prescription drug. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and the motion passed unanimously.

Case No. 01-0125. Pharmacist allegedly violated previous Agreed Order 00-0111. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0126A. Permit-holder allegedly employed a pharmacist that engaged in unprofessional conduct by committing Medicaid fraud, withholding medications and filling prescriptions with improper quantities. CRC recommendation for Complaint - Case Closed.

Case No. 01-0126B. Pharmacist allegedly engaged in unprofessional conduct by committing Medicaid fraud, withholding medications and filling prescriptions with improper quantities. CRC recommendation for Complaint - Case Closed.

Case No. 01-0127A. Permit-holder allegedly failed to maintain proper record keeping and security of controlled substances. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and the motion passed unanimously.

Case No. 01-0127B. Pharmacist-in-charge allegedly failed to maintain proper record keeping and security of controlled substances. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Jones seconded and the motion passed unanimously.

Case No. 01-0128A. Permit-holder allegedly failed to maintain proper record keeping and security of controlled substances. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and the motion passed unanimously.

Case No. 0-0128B. Pharmacist-in-charge allegedly failed to maintain proper record keeping and security of controlled substances. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0129. Permit-holder allegedly closed without properly notifying the Board of Pharmacy. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and the motion passed

unanimously.

Case No. 01-0131. Permit-holder allegedly closed without properly notifying the Board of Pharmacy. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0133A. Permit-holder allegedly failed to provide proper security in a hospital pharmacy. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0133B. Pharmacist-in-charge allegedly failed to provide proper security in a hospital pharmacy. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0134A. Permit-holder allegedly failed to maintain proper record keeping and security of controlled substances. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Foster seconded and the motion passed unanimously.

Case No. 01-0134B. Pharmacist-in-charge allegedly failed to maintain proper record keeping and security of controlled substances. CRC recommendation for Complaint with attempt to resolve through A.O. Dr. Joyce seconded and the motion passed unanimously.

CORRESPONDENCE: **Jared Combs.** The Board reviewed the letter requesting approval to amend his A.O. Dr. Joyce moved to deny the request. Dr. Foster seconded and the motion passed unanimously.

Alicia Metcalf-Pineville Community Hospital. The Board reviewed the letter requesting answers to several questions concerning the scanner policy implemented by the Kroger Pharmacy. After discussion President Conyers requested that Mr. Moné respond in writing. Dr. Foster moved to approve the request. Mr. Carr seconded and the motion passed unanimously.

Murer Consultants-Nicole Eitmann. The Board reviewed the letter requesting an equipment waiver and to request to share reference materials for St. Joseph East and Continuing Care Hospital Care at St. Joseph East. Dr. Foster moved to approve the request. Dr. Joyce seconded and the motion passed unanimously.

Murty Pharmaceutical-Mark Paxton. The Board reviewed the letter requesting an exemption of the Pharmacist-in-charge requirement. After discussion President Conyers requested that Mr. Moné respond in writing. Dr. Foster moved to approve the request. Mr. Carr seconded and the motion passed unanimously.

Vera Rose - St. Mary's Hospital. The Board reviewed the letter requesting the Board's opinion on Discharge Summary Forms being used as the patient's prescription. After discussion President Conyers requested that Mr. Moné respond in writing. Dr. Foster moved to approve the request. Mr. Carr seconded and the motion passed unanimously.

Vanderbilt Children's Hospital. The Board reviewed the letter requesting permission for Vanderbilt Children's Hospital to be licensed as an out-of-state pharmacy within the Commonwealth. After discussion Mr. Carr moved to deny the request stating concerns with Medicaid. President Conyers requested that Mr. Moné respond in writing. Dr. Foster moved to approve the request. Mr. Carr seconded and the motion passed unanimously.

Michael Keller/Woodburn Drugs and Dawson Springs Historic Commission/Jenny Sewell. The Board reviewed the letter requesting permission to maintain the Woodburn Drugs sign as a historic item for Dawson Springs. After discussion President Conyers requested that Mr. Moné respond in writing instructing them that suitable wording must be

approved by the Board. Dr. Foster moved to approve the request. Ms. Jones seconded and the motion passed with one dissenting vote.

RECIPROCITY/RELICENSURE/INTERNSHIP: The Board reviewed a request from Robert Hartwell Jones on final approval for licensure by reciprocity. After discussion Mr. Carr moved to approve. Dr. Joyce seconded and the motion passed unanimously.

The Board reviewed request from Euvona Bach Cowne requesting reinstatement of her pharmacist license. Dr. Foster moved to approve request. Dr. Joyce seconded and the motion passed unanimously.

NABP: Kentucky will host the 2002 District III meeting which will be held at the Brown Hotel in Louisville in August 2002.

CONTINUING EDUCATION: Mr. Carr moved to accept the continuing education programs 01-75 through 01-92 as recommended. Dr. Joyce seconded and the motion passed unanimously.

NEW BUSINESS: Mr. Osman swore in the newly appointed Board Members; Mr. Timothy Armstrong and Ms. Patricia Thornbury.

Dr. Joyce moved to elect Ms. Jones as President-Elect for year 2002. Ms. Cooper seconded and the motion passed unanimously.

OLD BUSINESS:

ADJOURNMENT: On motion by Dr. Joyce, seconded by Dr. Foster and passed unanimously, President Conyers adjourned the meeting at 12:00 p.m. The next Board meeting is scheduled to begin at 9:00 a.m. on January 9, 2002.

Michael A. Moné, Executive Director